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Tom Yuxin Zhu

Name

A handwritten signature in cursive script, appearing to read "Tom Zhu".

Signature



## **APPEAL BRIEF**

### **REAL PARTY IN INTEREST:**

The real party in interest is Tom Yuxin Zhu.

### **RELATED APPEALS AND INTERFERENCES:**

This appeal is for the following patent application:

APPILICATION No.: 10/730,447  
FILING DATE: December 8, 2003  
TITLE: SPLASH-PREVENTION PAPER  
Group Art Unit: 3751  
Examiner: Robert M. Fetsuga.

### **STATUS OF CLAIMS:**

Claims 29 to 37 are rejected.

Claims 29 to 37 are being appealed.

### **STATUS OF AMENDMENTS:**

No amendments have been filed subsequently to final rejection.

**ARGUMENT:**

1. For claims 29-37 that are rejected under 35 U.S.C 103 (a) in the section 5, on pages 4-6 of the final office action issued on 8/29/2005.

The examiner talked about that using wax to create “a slippery surface” is obvious, in the section 5, on pages 4-6 of the final office action issued on 8/29/2005. But, the application of the present invention does not have any content about “create a slippery surface”. The applicant had already explained this on 6/21/2005, on section 5, page 5 in the response to the second OA issue on 2/22/2005. The applicant believes that the examiner had never had a clear understanding on the content of the application of the present invention, and are not willing to acquire a clear understanding of the content of the application of the present invention, and are not willing to correct his error. Regardless whether creating a slippery surface with wax is obvious to one of ordinary skill in the art or not, it is irrelevant of the application of the present invention. The reasons that the examiner used to reject claims 29-37 are baseless.

2. For claims 29-33 and 35-37 that are rejected under 35 U.S.C 102(b) in the section 4 of pages 4 of the final office action on 8/29/2005.

That the examiner rejected claims 29-33 and 35-37 under 35 U.S.C 102(b) is also baseless.

As the applicant had already explained in section 4 of page 5 of the response on 6/21/2005 to the second OA dated on 2/22/2005: “The present invention is different from Menter’s invention in both principle and structure”. The examiner has been insisting his opinion without providing a reasonable explanation.

The floating arm of the present invention have a free end, which makes the floating arm movable (line 18 of page 4 to line 8 of page 5 the present application), such that it can yield to the falling feces to let the feces pass. While Menter's device does not have such structure and function. The examiner insisted to call the material between the open slits of Menter's device as floating arm, but this "floating arm" can not move, it will hold the falling feces, and the device will be sunk because of holding the feces. The applicant has described this problem in application (line 12 to 19 of page 2 of the present application).

The floating arms of the present invention form a substantially complete coverage of the area that the device intends to cover. The space between the adjacent floating arms is not desirable (line 9 to 15 of page 5 of the present application). While, Menter's "floating arms", as the examiner insisted to call, can not form a high percentage of coverage. It has to have the opening, i.e. the slits in a good size, to form the passage for the falling feces, otherwise, the device will be sunk and becomes not functional.

Menter's device simply does not have a part that is same as the floating arm of the present invention in either structure or function.

Furthermore, the floating arms of the present invention is to damper the impact of the falling feces and meanwhile to maintain a substantially complete coverage of the surface of the water (line 16 to 19 of page 6 of the present application). The function of the slits is to "allow the rapid passage of excreta" (col. 2, lns. 35, 36), which functions just opposite of the floating arms of the present invention.

**CLAIMS APPENDIX:**

Claim 29 (new): A splash-prevention device comprising a sheet of paper with plurality of floating arms.

Claim 30 (new): The splash-prevention device of claim 29, wherein the said floating arms are formed by cut into the said sheet of paper.

Claim 31 (new): The splash-prevention device of claim 30, wherein the said floating arms are in number of four to eight.

Claim 32 (new): The splash-prevention device of claim 31, wherein the said sheet of paper carrying functional agents.

Claim 33 (new): The splash-prevention device of claim 32, wherein the said functional agents including disinfectants.

Claim 34 (new): The splash-prevention device of claim 29, wherein the said floating arms are formed by cut into the said sheet of paper; the said sheet of paper is made of porous material; the said sheet of paper further comprising wax coating, wherein the said sheet of paper further carries disinfectants, wherein the said floating arms are in number of four to eight.

Claim 35 (new): A splash-prevention device comprising a sheet of paper, wherein the said sheet of paper comprising means for substantially complete coverage over the surface of the liquid within the outer periphery of the said sheet of paper and

meanwhile for the passage of substantially solid object through the said sheet of paper.

Claim 36 (new): A splash-prevention device of claim 35, wherein the said means for substantially complete coverage over the surface of the liquid and for the passage of substantially solid object comprising plurality of floating arms.

Claim 37 (new): A splash-prevention device of claim 36, wherein the said floating arms are formed by cut into the said sheet of paper.